

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

12 JOSEPH THOMAS TAKYI,

13 Plaintiff,

14 v.

15 WARDEN NORTHWEST DETENTION  
16 CENTER,

17 Defendants.

No. 09-5383RBL/JRC

REPORT AND RECOMMENDATION

**NOTED FOR:**  
**September 25, 2009**


18  
19 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned  
20 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate  
21 Judges' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has not provided the forms needed for the  
22 court to determine if he is entitled to proceed *in forma pauperis*. The court now recommends  
23 that the application to proceed be DENIED.  
24  
25  
26

1 On June 30, 2009, the clerk's office sent a letter to plaintiff informing him of the defects  
2 in his motion to proceed *in forma pauperis* (Dkt. # 2). Plaintiff had until July 31, 2009, to cure  
3 the defects. As of September 2, 2009, there has been no reply.

4 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
5 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has  
6 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314  
7 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Plaintiff has failed to provide the  
8 information needed for the court to determine if he is entitled to proceed in forma pauperis.  
9 Based on the above, the court should deny plaintiff's application to proceed *in forma*  
10 *pauperis*. Plaintiff has not shown that he is unable to pay the full filing fee to proceed with his  
11 lawsuit. The court should direct Mr. Takyi to pay the filing fee within 30 days of the court's  
12 order and if he fails to pay the filing fee the clerk should be directed to dismiss this matter.  
13

14 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
15 Procedure, the parties shall have ten (10) days from service of this Report and Recommendation  
16 to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a  
17 waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985).  
18 Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for  
19 consideration on September 25, 2009, as noted in the caption.  
20

21 DATED this 2<sup>nd</sup> day of September, 2009.  
22

23  
24 

25 J. Richard Creatura  
26 United States Magistrate Judge